

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MELVIN JOSEPH SIMMONS,

Plaintiff,

vs.

CATES, et al.,

Defendants.

1:23-cv-00856-JLT-GSA-PC

**ORDER WITHDRAWING FINDINGS AND
RECOMMENDATIONS ISSUED ON JUNE
7, 2023**

(ECF No. 6.)

Melvin Joseph Simmons (“Plaintiff”) is a state prisoner proceeding *pro se* with this civil rights case. On June 5, 2023, Plaintiff filed the Complaint commencing this action. (ECF No. 1.)

On June 7, 2023, the Court issued findings and recommendations, recommending that Plaintiff be denied leave to proceed *in forma pauperis* with this case and that this case be dismissed without prejudice to re-filing the case with payment of the \$402.00 filing fee in full. (ECF No. 6.) Plaintiff was granted fourteen days in which to file objections to the findings and recommendations. (Id.)

1 On June 29, 2023, Plaintiff paid the \$402.00 filing fee in full for this case. (Court
2 Record.) On July 5, 2023, Plaintiff filed objections to the Court's findings and recommendations.
3 (ECF Nos. 8, 9.)

4 Given that Plaintiff has now paid the filing fee in full, the Court shall withdraw the
5 findings and recommendations issued on June 7, 2023.

6 Therefore, based on the foregoing, it is **HEREBY ORDERED** that the findings and
7 recommendations issued on June 7, 2023, are WITHDRAWN.

8
9 IT IS SO ORDERED.

10 Dated: July 7, 2023

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE